

AHG:jml

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GENERAL STAR NATIONAL INSURANCE  
COMPANY,

Plaintiff,

-against-

VERIFIED ANSWER TO  
COMPLAINT FOR  
DECLARATORY RELIEF  
AND INTERPLEADER

GINNETTI TRUCKING, LLC; EDDYS N. GARCIA,  
as Administrator of the Goods, Chattels and Credits  
which were of WENDY SANTOS, deceased;  
EDDYS N. GARCIA, individually; EDDY I. GARCIA,  
an infant by his father and natural guardian,  
EDDYS N. GARCIA; KENNY GARCIA, an  
infant by his father and natural guardian,  
EDDYS N. GARCIA; OLGA GARCIA; RAFAEL  
SALVADOR; and KEYLIE SALVADOR, an infant  
by her mother and natural guardian, OLGA GARCIA,

1:08-CV-02957 GEL

Defendants.

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Defendant EDDYS N. GARCIA, as Administrator of the Goods, Chattels  
and Credits which were of WENDY SANTOS, deceased, EDDYS N. GARCIA,  
individually, EDDY I. GARCIA, an infant by his father and natural guardian, EDDYS N.  
GARCIA, KENNY J. GARCIA, an infant by his father and natural guardian, EDDYS N.  
GARCIA, by their attorneys, Gair, Gair, Conason, Steigman & Mackauf, answering the  
Complaint For Declaratory Relief and Interpleader by GENERAL STAR NATIONAL  
INSURANCE COMPANY respectfully states as follows:

GENERAL ALLEGATIONS

1. Denies knowledge or information as to the allegations set forth in  
paragraph "17" of the Complaint.

THE GENERAL STAR POLICY

2. Denies knowledge or information as to the allegations set forth in paragraph "18" of the Complaint to the extent that it is alleged the policy annexed as Exhibit "A" is a true and accurate copy of said policy.

3. Denies knowledge or information as to the allegations set forth in paragraph "21" of the Complaint.

THE UNDERLYING LAWSUITS  
AND THE ACCIDENT  
PLAINTIFFS' CLAIMS AGAINST  
GENERAL STAR

4. Denies the allegations set forth in paragraph "30" of the Complaint to the extent that it alleges that neither the Ginnetti vehicles nor the accident plaintiffs' claims for damages against Ginnetti are covered under the terms of the General Star policy.

5. Denies the allegations set forth in paragraph "31" of the Complaint to the extent that it alleges the Ginnetti vehicles were not covered under the General Star policy and refers all questions of law to the Court.

6. Denies the allegations set forth in paragraph "32" of the Complaint to the extent it alleges that the Ginnetti vehicles were not covered under the General Star policy and refers all questions of law to the Court.

7. Denies the allegations set forth in paragraph "33" of the Complaint and refers all questions of law to the Court.

8. Denies the allegations set forth in paragraphs "34" of the Complaint

and refers all questions of law to the Court.

9. Denies the allegations set forth in paragraph "35" of the Complaint and refers all questions of law to the Court.

**FIRST COUNT: DECLARATORY  
JUDGMENT AS TO ALL DEFENDANTS**

10. Defendants incorporate all of their responses to the allegations set forth in paragraphs "1" through "35" of the Complaint as if set forth fully herein.

11. Denies the allegations set forth in paragraphs "37" and "38" of the Complaint.

12. Denies the allegations set forth in paragraphs "39" and "40" of the Complaint and refers all questions of law to the Court.

13. Denies upon information and belief the allegations set forth in paragraphs "41" of the Complaint and refers all questions of law to the Court.

Dated:      New York, New York  
                  March 28, 2008

Respectfully submitted,

GAIR, GAIR, CONASON,  
STEIGMAN & MACKAUF

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ANTHONY H. GAIR (AHG5408)  
Attorneys for Defendants  
EDDYS N. GARCIA, as Administrator of  
the Goods, Chattels and Credits which  
were of WENDY SANTOS, deceased,  
EDDYS N. GARCIA, individually, EDDY  
I. GARCIA, an infant by his father and  
natural guardian, EDDYS N. GARCIA,  
KENNY J. GARCIA, an infant by his  
father and natural guardian, EDDYS N.  
GARCIA  
80 Pine Street  
New York, NY 10005  
(212) 943-1090

TO:

DAY PITNEY LLP  
Attorneys for Plaintiff  
GENERAL STAR NATIONAL INSURANCE CO.  
242 Trumbull Street  
Hartford, CT 06103

LESTER, SCHWAB, KATZ & DWYER  
Attorneys for Defendant  
GINNETTI TRUCKING, LLC  
120 Broadway  
New York, NY 10271

YANOVER & YANOVER  
Attorneys for Co-Plaintiffs  
OLGA GARCIA, RAFAEL SALVADOR  
KEYLIE SALVADOR  
50 Charles Lindbergh Boulevard- Suite 400  
Uniondale, NY 11553

McELFISH LAW FIRM  
Attorneys for Plaintiff  
CANAL INSURANCE COMPANY  
1112 N. Sherbourne Drive  
West Hollywood, CA 90069

STATE OF NEW YORK )  
                      :  
COUNTY OF NEW YORK     )

ANTHONY H. GAIR, the undersigned, an attorney admitted to practice in the Courts of New York State, states that he is a member of the firm of Gair, Gair, Conason, Steigman & Mackauf attorneys for defendants, EDDYS N. GARCIA, as Administrator of the Goods, Chattels and Credits which were of WENDY SANTOS, deceased, EDDYS N. GARCIA, individually, EDDY I. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA, KENNY J. GARCIA, an infant by his father and natural guardian, EDDYS N. GARCIA, in the within action; that deponent has read the foregoing Answer and knows its contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters, deponent believes them to be true. Deponent further states that the reason this verification is made by your deponent and not by the plaintiff is that the plaintiff is not within the county where deponent maintains his office.

The grounds of deponent's belief as to all matters not stated upon deponent's own knowledge are consultations had with the plaintiff and investigation and data in deponent's possession.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: New York, New York  
March 28, 2008

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ANTHONY H. GAIR

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

Jacqueline Lester being sworn says: I am not a party to the action, am over 18 years of age and reside at Staten Island, New York.

On March 28, 2008 I served a true copy of the annexed VERIFIED ANSWER TO COMPLAINT FOR DECLARATORY RELIEF AND INTERPLEADER by mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

DAY PITNEY LLP  
Attorneys for Plaintiff  
GENERAL STAR NATIONAL INSURANCE CO.  
242 Trumbull Street  
Hartford, CT 06103

LESTER, SCHWAB, KATZ & DWYER  
Attorneys for Defendant  
GINNETTI TRUCKING, LLC  
120 Broadway  
New York, NY 10271

YANOVER & YANOVER  
Attorneys for Co-Plaintiffs  
OLGA GARCIA, RAFAEL SALVADOR  
KEYLIE SALVADOR  
50 Charles Lindbergh Boulevard- Suite 400  
Uniondale, NY 11553

McELFISH LAW FIRM  
Attorneys for Plaintiff  
CANAL INSURANCE COMPANY  
1112 N. Sherbourne Drive  
West Hollywood, CA 90069

---

Jacqueline Lester

Sworn to before me the  
28th day of March, 2008

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GENERAL STAR NATIONAL INSURANCE  
COMPANY,

Plaintiff,

-against-

GINNETTI TRUCKING, LLC; EDDYS N. GARCIA,  
as Administrator of the Goods, Chattels and Credits  
which were of WENDY SANTOS, deceased;  
EDDYS N. GARCIA, individually; EDDY I. GARCIA,  
an infant by his father and natural guardian,  
EDDYS N. GARCIA; KENNY GARCIA, an  
infant by his father and natural guardian,  
EDDYS N. GARCIA, et. al.

Defendants.

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VERIFIED ANSWER TO  
COMPLAINT FOR DECLARATORY  
RELIEF AND INTERPLEADER

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GAIR, GAIR, CONASON,  
STEIGMAN & MACKAUF  
Attorneys for Plaintiff  
80 Pine Street  
New York, New York 10005  
(212) 943-1090  
Fax (212) 425-7513

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NOTICE OF ENTRY

SIR : Please take notice that the within is a (certified) true copy of an Order duly entered in the office of the Clerk of the within named Court on , 2008.

Dated: New York, New York

NOTICE OF SETTLEMENT

SIR : Please take notice that an Order of which the within is a true copy will be presented for settlement to the Hon. one of the Justices of the within named Court, at County on the day of , 2008 at 9:30 A.M.

Dated: New York, New York